

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>KYRA CANNING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Lead Civil Action No.: 3:20-cv-401</b>
	)	
<b>WILLIAM SMITH, <u>et al.</u>,</b>	)	
	)	
<b>Defendants.</b>	)	
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	)	
<b>JARROD BLACKWOOD, <u>et al.</u>,</b>	)	
<b>individually and on behalf of a class of</b>	)	
<b>similarly situated individuals,</b>	)	
	)	
<b>Consolidated Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>JOHN/JANE DOES I-X, et al.,</b>	)	
	)	
<b>Consolidated Defendants.</b>	)	
<hr/>		
	)	
<b>MARIA LOURDES MAURER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:20-cv-668</b>
	)	
<b>CITY OF RICHMOND, <u>et al.</u>,</b>	)	
	)	
<b>Defendants.</b>	)	
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**DEFENDANTS WILLIAM SMITH AND  
WILLIAM BLACKWELL’S MOTION TO DISMISS PLAINTIFF  
MARIA LOURDES MAURER’S SECOND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants William Smith (“Chief Smith”) and William Blackwell (“Chief Blackwell”), by and through the undersigned counsel, respectfully

move this Court to dismiss Plaintiff Maria Lourdes Maurer's ("Plaintiff" or "Ms. Maurer") Second Amended Complaint against them with prejudice. Ms. Maurer's Second Amended Complaint fails to state a claim against Chief Smith or Chief Blackwell upon which relief can be granted. In support of this Motion, Chief Smith and Chief Blackwell submit their Memorandum of Law that was filed contemporaneously with this Motion.

WHEREFORE, Chief Smith and Chief Blackwell, by counsel, respectfully request that this Court grant this Motion and dismiss Plaintiff's Second Amended Complaint against Chief Smith and Chief Blackwell with prejudice because the allegations in Count III do not state a claim upon which relief can be granted.

Respectfully submitted,

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*William Smith and William Blackwell*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of November 2020, a true and accurate copy of the foregoing Defendants William Smith and William Blackwell's Motion to Dismiss Plaintiff Maria Lourdes Maurer's Second Amended Complaint has been filed with the Clerk of Court using the Court's CM/ECF filing system, which will then send notification of such filing (NEF) to the following:

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